



# Federal Court Rules

**Statutory Rules 1979 No. 140 as amended**

made under the

*Federal Court of Australia Act 1976*

---

This compilation was prepared on 1 January 2011  
taking into account amendments up to SLI 2010 No. 338

This document has been split into four volumes

Volume 1 contains Orders 1 to 51,

Volume 2 contains Orders 51A to 82,

**Volume 3** contains Schedules 1 to 4, and

Volume 4 contains the Notes

Each volume has its own Table of Contents

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney-General's Department, Canberra

## Schedule 2 Scale of costs for work done and services performed

(Order 62, rule 12)

Item	Matter for which charge may be made	Charge (\$)
<i>Instructions</i>		
1	To sue or defend, to appeal or oppose an appeal or for any other originating proceeding	262
2	To make or oppose an interlocutory application or motion to the Court or a Judge or an officer of the Court	118
3	For a case for opinion of counsel or for counsel to advise (including attendance on counsel with brief)	113
4	For an interrogatory, answer to an interrogatory or an affidavit (except a formal affidavit), an admission or a list of documents (and affidavit verifying)	158
5	For brief for counsel on application in chambers or brief notes for solicitor (if necessary)	143
	<i>or</i>	
	in respect of items 1 to 5 of this scale, having regard to all the circumstances of the case	any other amounts that the taxing officer considers appropriate
6	For brief for counsel or brief notes for solicitor (if necessary), having regard to all the circumstances of the case	a sum that the taxing officer thinks fit
7	For a necessary document not otherwise provided for, having regard to all the circumstances of the case	a sum that the taxing officer thinks fit
<i>Documents</i>		
8	Any notice of appearance, including copies, filing and service by respondent	144

Item	Matter for which charge may be made	Charge (\$)
9	Any application or notice of motion, including fixing return day, copies to file and serve, and attendance to file	118
	if more than 3 folios — add for each folio	8
10	Any simple notice or memorandum such as a notice for discovery, including copies, filing (if necessary) and service	94
11	Notice to produce, notice to admit or any similar notice, including copies, filing (if necessary) and service	118
	if more than 3 folios — add for each folio	8
12	A brief to counsel (including a brief to hear judgment) and attending counsel with the brief	100
	if more than 3 folios — add for each folio	9
	For copy documents to accompany brief	the other charges in this scale that are appropriate
13	Any necessary subpoena, including issuing 1 copy to serve and arranging for service	79
	<i>Drawing</i>	
14	Any necessary document — for each folio	12
	<i>Engrossing or Typing</i>	
15	Any necessary document — for each folio	5
	<i>Copies</i>	
16	Of any document, including carbon, photographic or machine-made copy — for each page	2
	except if allowance for 10 or more pages is claimed in respect of any document or documents	at the discretion of the taxing officer
	<i>Perusal</i>	
17	Of any document (if necessary) including special letter, telegram or telex, up to 3 folios	21

Item	Matter for which charge may be made	Charge (\$)
	<i>or per folio</i>	5
	except if allowance for 30 or more folios is claimed in respect of any document or documents	at the discretion of the taxing officer
18	If it is not necessary to peruse but it is necessary to scan a document — for each page	8
	except if allowance for 10 or more pages is claimed in respect of any document or documents	at the discretion of the taxing officer
<i>Examination</i>		
19	If it is necessary to neither peruse nor scan a document, eg an examination of an appeal book: for examination — for each half hour	
	• solicitor	94
	• clerk	21
<i>Letters</i>		
20	Short letter — simple form of letter, eg formal acknowledgment	15
21	Ordinary letter, including letter between principal and agent	30
22	Circular letter (after the first) — for each letter	9
23	Special letter or letter including opinion	64
	<i>or</i>	
		an amount that is reasonable having regard to the length of the letter, the questions involved and appropriate items and charges in this scale

---

Item	Matter for which charge may be made	Charge (\$)
24	Telegram, facsimile copy, or telex including attendance to dispatch	79 <i>or</i> an amount that is reasonable in the circumstances
25	Receiving and filing any incoming letter  <i>Note</i> Postage and transmission expenses may be claimed as a disbursement properly incurred.  <i>Service</i>	9
26	Personal service (except if service is able to be claimed under another item of this scale) of any document of which personal service is required	78 <i>or</i> an amount that is reasonable, having regard to time occupied, distance travelled and other relevant circumstances
27	Service of any document at the office of the address for service, either by delivery or by post  <i>Preparation of Appeal Books</i>	21
28	Preparation of appeal books, including collating all necessary material, attendances on the printer, general oversight of their preparation in cases where the taxing officer is satisfied it has been done efficiently — for each hour:	
	• solicitor	171
	• clerk	42

---

<b>Item</b>	<b>Matter for which charge may be made</b>	<b>Charge (\$)</b>
29	If appeal books are prepared in a solicitor's office, a sum that the taxing officer considers is just and reasonable, having regard to work and labour properly performed and charges for material used. In exercising his or her discretion, the taxing officer must have regard to commercial rates for copying and binding and is not obliged to apply the photographic or machine-made copy costs otherwise allowable in this scale	
	<i>Attendances</i>	
30	An attendance that is capable of being made by a clerk, such as at the court registry	42
31	An attendance that requires the attendance of a solicitor or managing clerk and involves the exercise of skill or legal knowledge (including an attendance to inspect or negotiate) — for each quarter hour:	
	• solicitor	76
	• managing clerk	16
32	An attendance for which no other provision is made in this scale	70
33	An attendance by telephone that does not involve the exercise of skill or legal knowledge	14
34	An attendance on counsel:	
	• with brief or papers (if not otherwise provided for)	43
	• to appoint a conference or consultation	43
	• if appointment made by telephone	14
35	A necessary conference or consultation with counsel:	
	• if half an hour or less	118
	• if over half an hour — for each hour or part of an hour	170
36	In court or chambers or before the Registrar for hearing without counsel:	
	• for each hour or part of an hour of the hearing	340

Item	Matter for which charge may be made	Charge (\$)
	<ul style="list-style-type: none"> <li>for each hour or part of an hour when likely to be heard, but not heard</li> </ul>	340
	<ul style="list-style-type: none"> <li>not to exceed per day</li> </ul>	1 530
37	In court or chambers or before the Registrar for hearing with counsel:	
	<ul style="list-style-type: none"> <li>for each hour or part of an hour of the attendance during the hearing</li> </ul>	276
	<ul style="list-style-type: none"> <li>for each hour or part of an hour of the attendance when likely to be heard, but not heard</li> </ul>	276
	<ul style="list-style-type: none"> <li>not to exceed per day</li> </ul>	1 242
	If a person other than a solicitor attends in place of a solicitor:	
	(a) attendance by a managing clerk:	
	<ul style="list-style-type: none"> <li>for each hour</li> </ul>	118
	<ul style="list-style-type: none"> <li>not to exceed per day</li> </ul>	511
	(b) attendance by any other clerk:	
	<ul style="list-style-type: none"> <li>for each hour</li> </ul>	63
	<ul style="list-style-type: none"> <li>not to exceed per day</li> </ul>	272
38	To hear judgment	78
39	On taxation of costs:	
	<ul style="list-style-type: none"> <li>if a solicitor attends — for each hour or part of an hour</li> </ul>	170
	<ul style="list-style-type: none"> <li>if a clerk attends — for each hour or part of an hour</li> </ul>	43
40	If a solicitor attends at court or chambers for the hearing of an application or appeal, or on conference with counsel, at a distance of more than 50 kilometres from his or her place of business, and it is neither appropriate nor proper for an agent to attend, the taxing officer may allow for each day of absence from the place of business (except a Saturday, Sunday or public holiday) an amount that the taxing officer considers reasonable — not exceeding	388

Item	Matter for which charge may be made	Charge (\$)
<i>General Care and Conduct</i>		
41	<p>If the case or circumstances warrant it, an allowance may be claimed under this item, in addition to any other item that appears in this scale, for general care and conduct (if appropriate) including the following:</p> <ul style="list-style-type: none"> <li>(a) the complexity of the matter and the difficulty and novelty of questions raised;</li> <li>(b) the importance of the matter to the party and the amount involved;</li> <li>(c) the skill, labour, specialised knowledge and responsibility involved in the matter on the part of the solicitor;</li> <li>(d) the number and importance of the documents prepared or perused, without regard to length;</li> <li>(e) the time taken by the solicitor;</li> <li>(f) research and consideration of questions of law and fact</li> </ul>	<p>a percentage of the total amount of the allowed costs excluding disbursements</p>
<i>Counsel's Fees</i>		
42	<p>It is proper for a solicitor to incur an amount for counsel's fees that appears to be fair and reasonable according to the circumstances of the case and the seniority of counsel. The fees incurred may be claimed as a disbursement</p>	
43	<p>If a solicitor briefs another solicitor as counsel, when it would be appropriate to brief counsel</p>	<p>a sum as a counsel's fee that the taxing officer considers just and reasonable having regard to the practice of allowing these fees that is permitted by the</p>

---

Item	Matter for which charge may be made	Charge (\$)
		Supreme Court Rules of the State or Territory concerned (Order 62, rule 35)
	<i>Corporations Act 2001 — Short Form Bill</i>	
43A	The amount as to the costs of obtaining a winding-up order, up to and including entry and service of the order under section 470 of the <i>Corporations Act 2001</i> and the obtaining of a certificate of taxation  Additional costs are allowable for any adjournment in which costs have been reserved by the Court in accordance with item 36 or 37, as the case may be	3 579
	<i>Bankruptcy Act 1966 — Short Form Bills</i>	
43B	Short form amount that may be claimed by an applicant on the making of a sequestration order	2 294
43C	Short form amount that may be claimed by an applicant on the dismissal of a petition	1 976
	<i>Migration Act 1958 — Short Form Bills</i>	
43D	Short form amount, including costs and disbursements, that may be claimed by a party in a standard migration case	5 846
43E	Short form amount, including costs and disbursements, that may be claimed by the respondent in a migration case on dismissal or discontinuance of the case	2 063
43F	Application for leave to appeal or extension of time	1 664
43G	Migration appeal case finalised before a final hearing	3 885
43H	Migration appeal case finalised after a final hearing	6 104
	<i>Witnesses' Expenses</i>	
44	Witnesses called because of their professional, scientific or other special skill or knowledge — for each day	202 to 1 000

---

---

<b>Item</b>	<b>Matter for which charge may be made</b>	<b>Charge (\$)</b>
45	Witnesses called, other than those covered in item 44 — for each day	118 to 188
46	Witnesses remunerated in their occupation by wages, salary or fees	the amount lost by attendance at Court
47	If a witness lives more than 50 kilometres from the Court	a sum that the taxing officer considers reasonable for the actual cost of travel, together with a reasonable amount for meals and accommodation
<i>Disbursements</i>		
48	All court fees and other fees and payments	to the extent to which they have been properly and reasonably incurred and paid
49	If a solicitor attends at court or chambers, or on conference with counsel, in the circumstances outlined in item 40	reasonable travelling expenses to the extent to which they have been reasonably incurred and paid
<i>Miscellaneous</i>		
50	Matters not included in this scale may be allowed to the extent they are covered by Order 62, rule 21	
	<i>Note 1</i> Bills of costs prepared in accordance with Order 62, rule 40 must identify costs and disbursements claimed with an item number.	
	<i>Note 2</i> A folio comprises 72 words (there are generally 3 folios to each page).	

---